

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

James Robert Byrd, #98230,)
Petitioner,) Civil Action No. 6:15-cv-04518-JMC
v.)
Warden of Broad River)
Correctional Institution,)
Respondent.)

)

ORDER

This matter is before the court upon review of United States Magistrate Judge Kevin F. McDonald's Report and Recommendation ("Report"), filed on November 10, 2015, recommending that the case be dismissed, without prejudice and without requiring Defendant to file an Answer or return. (ECF No. 9.) The Report sets forth the relevant facts and legal standards which this court incorporates herein without a recitation.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The responsibility to make a final determination remains with this court. *Id.* The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made. *Id.*

The parties were advised of their right to file objections to the Report by November 30, 2015. (ECF No. 9.) However, neither party filed any objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198,

199 (4th Cir. 1983) (explaining that a judge may “accept, reject, or modify in whole or in part [a] [M]agistrate [Judge’s] report,” without explanation, when no objections are filed by the challenging party). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain any clear error. The court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 9), and this case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.



United States District Judge

October 11, 2016
Columbia, South Carolina